

Notice of Allowability	Application No.	Applicant(s)	
	09/580,145	UNDERWOOD ET AL.	
	Examiner	Art Unit	
	Narayanswamy Subramanian	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/12/2004.
2. ☒ The allowed claim(s) is/are 10-14.
3. ☒ The drawings filed on 30 May 2000 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

DETAILED ACTION

1. This is in response to communication dated August 12, 2004. Amendments to claims 1, 2, 6-10 and 13 have been entered. Rejections of claims 1-9 made under second paragraph of 35 USC § 101 are withdrawn in view of the claim amendments. Also rejections of claims 10 and 13 made under second paragraph of 35 USC § 112 are withdrawn in view of the claim amendments. Claims 1-9 have been canceled as discussed in the Examiner's amendment below. Claims 10-14 are currently pending in the application.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

3. Authorization for this examiner's amendment was given in a telephone interview with Joseph M. Kuo on December 9, 2004.

The application has been amended as follows:

Please cancel claims 1-9 without prejudice.

Allowable Subject Matter

4. Claims 10-14 are allowed.

5. The following is an examiner's statement of reasons for allowance:

6. The closest valid prior art (Silverman US Patent 5,924,082) discloses a method for selling an asset over a computer network comprising a plurality of computers in communication with one another, the method including the steps of storing in computer

Art Unit: 3624

memory buyer information for a plurality of potential buyers, the buyer information for each of the plurality of potential buyers including a buyer profile code, retrieving from computer memory asset information for the asset to be sold, the asset information including a first asset restriction, retrieving from computer memory the buyer profile codes from the plurality of potential buyers and comparing the first asset restriction with the buyer profile codes and determining a first group of authorized bidders from the potential buyers having a buyer profile code matching the first asset restriction.

Even though, the prior art teaches a method for performing the above mentioned steps, the prior art of record fails to teach a tiered method for automatically auctioning an asset over a computer network, the asset comprising government surplus or excess, including the steps of automatically performing a second or additional tier auction if an outcome of the first tier auction is that the asset remains available, including the additional steps of assigning a second or new asset restriction to the asset, comparing the second or new asset restriction with the buyer profile codes and determining a second group of authorized bidders from the potential buyers having a buyer profile code matching the second or new asset restriction and presenting the asset for auction only to the second group of authorized bidders. For these reasons claims 10 and 13 are deemed to be allowable over the cited prior art, and claims 11, 12 and 14 are allowable by dependency.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Art Unit: 3624

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

(a) De Gheest, Anne WO 00/50970A2, August 31, 2000, Methods and Apparatuses for Electronic Bidding Systems

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dr. Narayanswamy Subramanian whose telephone number is (703) 305-4878. The examiner can normally be reached Monday-Thursday from 8:00 AM to 6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached at (703) 308-1065.

The fax number for Formal or Official faxes and Draft or Informal faxes to the Patent Office is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1113.

N. Subramanian
December 16, 2004

Hani Kazimi
Primary Examiner


HANI M. KAZIMI
PRIMARY EXAMINER